

Docket No.: 2843 (02-24 US)**REMARKS**

This is a response to the Office Action mailed on December 1, 2004. Claims 1-18 have been pending in the subject application and were rejected by the Examiner. By this Amendment the Applicant amended claims 1,4,5,8,11-13,15,17-18 and canceled claims 19-22 without prejudice. The specification was amended to present the trademark according to requirements of MPEP 608.01(v). No new matter has been introduced. Reexamination and reconsideration of the subject application as amended are respectfully requested.

The Examiner rejected claims 1-18 under 35U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention.

Referring to claim 1, the Examiner stated that recitation of the passage of the liquid sample and entry into the membrane of 4th paragraph is vague. The Applicant amended the referenced feature reciting that "the liquid sample is mixed with the dry reagent passing through the non-absorbent medium and a mixed sample is absorbed into the membrane before reaching said detection site".

Referring to claim 5, the Examiner stated that citation of the trademark Mylar should be noted in the application and be capitalized wherever it appears and be accompanied by the generic terminology. The Applicant capitalized each letter of the word MYLAR and accompanied it by the generic terminology in claim 5 and throughout of the specification.

The Examiner noted that "dry reagent" and "non-absorbent medium" are not used consistently in the claim. The Examiner also noted that limitation "the subject" in claims 13, 14 and "the concentrate of the sugar" lack antecedent support. The Applicant amended claims 1,4,8,12,13, and 17 to correct inconsistencies in usage of the terminology and to provide antecedent support for the limitations cited above. The misspelling of the word "detection" of claim 11 was corrected.

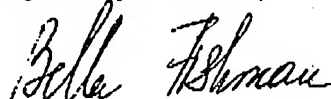
Applicant gratefully acknowledges the Examiner's statement that claims 1-18 would be allowable if rewritten or amended to overcome the rejections under 35U.S.C. § 112, second paragraph. The Applicant addressed all the issues raised by the Examiner in his rejections of the

Docket No.: 2843 (02-24 US)

claims and made appropriate corrections. It is believed that the present application is now in a condition for allowance, and an early notice to such effect is earnestly solicited.

The Commissioner is hereby authorized to charge any fees which may be required by this Amendment, or to credit any overpayment to Deposit Account No. 50-0895.

Respectfully submitted,



Bella Fishman
Agent for Applicant
Registration No. 37,485

Dated: February 25, 2005

Varian, Inc.
Legal Department
3120 Hansen Way, D-102
Palo Alto, CA 94304
(650) 424-5086
bella.fishman@varianinc.com

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.